

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

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v.

* Criminal No. 05-00300-CG

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JAMES EDWARD HANLON

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THIRD AMENDED FINAL JUDGMENT OF FORFEITURE

This cause is before the Court on the Joint Motion to Amend the Final Judgment of Forfeiture (Doc. 58), pursuant to an agreement between the United States and Wachovia Bank, N.A.

WHEREAS, the United States caused to be published in the *Press Register, The Baldwin Times* and *The Progressive Era*, notice of this forfeiture and of the intent of the United States to dispose of the properties in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their interest in the items; and,

WHEREAS a Stipulation to Recognize the Claim of Wachovia Bank was approved by the Court on August 24, 2007; and,

WHEREAS no other third-parties have come forward to assert an interest in the property in the time required under Title 21 United States Code, Section 853(n)(2).

NOW, THEREFORE, the Court having considered the matter and been fully advised in the premises, it is hereby **ORDERED, ADJUDGED, and DECREED** that, pursuant to Title 21, United States Code, Section 853, the following is forfeited to the United States of America:

a. 7 acres, more or less, located in Wilcox County, Alabama, more particularly described as:

"Description of Parcel No. 2, Lambert Estate, house tract" per survey dated October 11, 1960, by James C. Crisman, Ala. Reg. Land Surveyor No. 1201, Selma, Alabama, described as follows:

Commence at a stone corner at the northeast corner of the SE1/4 of NE1/4 of Section 26, T-12-N, R-9-E, Wilcox County, Alabama, thence run South zero degrees 24 minutes East along the East line of said Section 26 for 924 feet to an iron pin at the point of beginning of the land herein described. Thence from said point of beginning run South 88 degrees 41 minutes West for 101 feet to an iron pin; thence run South 1 degree 09 minutes East for a distance of 959.2 feet to an iron pin; thence run North 85 degrees 41 minutes East for 376.5 feet to an iron pin on the western margin of Wilcox County Road No. F.A.S. 411; thence run in a northerly direction along the western margin of said road on a 2 degree curve to the left for 944.6 feet to an iron pin; thence run South 88 degrees 41 minutes West for 268.7 feet to the point of beginning. The above described parcel containing 8.6 acres, more or less, and lying and being partly in the southeast corner of the SE1/4 of the NE1/4 of Section 26, containing 0.95 acre; and partly in the northeast corner of the NE1/4 of the SE1/4 of Section 26, containing 1.07 acres; and partly in the southwest corner of the SW1/4 of the NW1/4 of Section 25, containing 3.03 acres; and partly in the northwest corner of the NW1/4 of the SW1/4 of Section 25 containing 3.55 acres, all in T-12-N, R-9-E, Wilcox County, Alabama, and described as Parcel II in that certain Warranty Deed dated October 20, 1960, and recorded in Deed Book 5-L, at page 330, in the Office of the Judge of Probate, Wilcox County, Alabama.

LESS AND EXCEPT: Approximately 1.2 acres on the South end of the above described 8.6 acre parcel, more particularly described as follows: Beginning at an iron pin on the western margin of Wilcox County Road F.A.S. 411 (now called Wilcox County Road No. 51), said point of beginning being the Southeast corner of the above described 8.6 acres; thence run South 85 degrees 41 minutes West for 376.5 feet to an iron pin; thence run North 1 degree 09 minutes West for a distance of 135.0 feet; thence run North 85 degrees 41 minutes East to the western margin of Wilcox County Road No. F.A.S. 411 (now called Wilcox County Road No. 51); thence run in a southerly direction along wester margin of said road to the point of beginning.

b. The residence and real property located at 622 Boykin Court North, Gulf Shores, Alabama 36542, which property is more particularly described as follows:

Lot 8, Block F, Boykin Court North, according to the plat thereof recorded in Map Book 4, Page 33, in the Office of the Judge of Probate, Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshals Service shall pay Wachovia the sum of \$78,184.20 as agreed to between the United States and Wachovia for its interest in the property located at 622 Boykin Court, Gulf Shores, Alabama. The amount to be paid to Wachovia represents the following:

a. The previously stipulated amount of \$73,144.30, plus interest of \$1,747.43 for a total of \$74,891.73 through June 30, 2007, plus interest in the amount of \$9.61 per day since June 30, 2007 through April 16, 2008 (291 days), which amounts to \$2,796.51; and

b. Ad valorem taxes for 2007 in the amount of \$495.66.

The payment of \$78,184.20 to Petitioner Wachovia shall be in full settlement and satisfaction of any and all claims by Wachovia to the above-described property, and all claims resulting from the incidents or circumstances giving rise to this lawsuit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest to the above-described properties are hereby condemned, forfeited, and vested in the United States of America and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and,

IT IS FURTHER ORDERED that the Clerk of the Court shall forward five (5) certified copies of this Order to Assistant United States Attorney Gloria A. Bedwell.

DONE and **ORDERED** this 8th day of May, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE